IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 9059 of 2004

Between:

Swamy Dayananda Yuvajana Sangam, rep.by D.Murali, S/o.Dorai Swamy, Rythu Bazar, Mehidipatnam, Hyderabad.

... PETITIONER

AND

1 The Joint Collector, Ranga Reddy Dist.Lakdikapool, Hyderabad.
2 The Estate officer, Rythu Bazar, Mehidipatnam, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of a writ of Mandamus declaring the proceedings No.H3/2294/2003. Dated 11-02-2004 of the 1st Respondent received by the 2nd Respondent on 06-05-2004 as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable and set aside the same holding that the petitioner is entitled to carry on the business as per the allotment of

stall made to the petitioner.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following Order:

ORDER:

The Petitioner-association, claiming to be comprised of unemployed youth belonging to S.C, S.T, and B.C. members, was allotted a stall in the Rythu Bazar, Mehdipatnam for sale of food grains and oils supplied by the Civil Supplies Corporation, by proceedings No.A/Misc./R.R./99/RB, Dated 18-11-2000. Since then, they have been selling the essential commodities. On the vacant site allotted to the petitioner, the petitioner claims to have constructed a shop with two rooms, one for keeping stock and the other for conducting sales and from November, 2000 onwards, the petitioner-society was running business, duly complying all the terms and conditions of the allotment. While so, by Proceedings No.H3/2294/2003, Dated 11-02-2004, first respondent cancelled the allotment of stall made in favour of the petitioner and some others, with a direction to vacate the stall immediately and hand over the same to the second respondent. Questioning the said action, the present Writ Petition is filed contending that the said cancellation was pursuant to the guidelines issued in G.O.Ms.No.22 A and C (MKTG) Department, Dated 21-01-2004 in pursuance to the orders passed by this Court in W.A.No.512 of 2003; the same is arbitrary and illegal.

2. Opposing the Writ Petition, first respondent filed counter along with Vacate Stay Petition, stating the circumstances, which led to issuance of G.O.Ms.No.22 A and C (MKTG) Department, Dated 21-01-2004. It is not in dispute that this Court in W.A.No.512 of 2003 and batch declared the process of allotment and cancellation of shops in Rythu Bazars as illegal as there are no norms for allotment or cancellation of these shops. While declaring so, the

Division Bench directed that the arrangements made by the notification dated 27-03-2003 shall continue to remain operative for a period of six months and within six months, the Government shall frame up a scheme in which norms shall be laid down for officers who make the allotment and all those who qualify in accordance with those norms shall be considered for allotment in future. In no case lease/licence for permanent shop be granted for a period of more than one year because otherwise it will create a monopoly in the hands of few who are able to get the shops in the first instance. It should be made clear to the participants who seek to get a shop allotted in their favour that they shall not be entitled to continue further. If feasible, the Government should also consider of laying down a rule/norm, guideline to the effect that a person who holds a shop for one year shall not be entitled to have the shop again for next year. After such cancellation, the person to whom the notice is issued shall vacate the stall and in no case the new group shall be allotted the stall, without cancelling the allotment of the existing group. In view of the issuance of the said guidelines, the impugned order came to be passed. Since the petitioner will not have any vested right to continue in the stall and the impugned order so passed is in consonance with the Mandamus issued by this Court in W.A.No.512 of 2003, no exception can be taken to the said order. The impugned order does not suffer any infirmity, which can be interdicted by this Court.

3. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

August 26, 2004

MRR/KMR

To:

1 The Joint Collector, Ranga Reddy Dist.Lakdikapool,

Hyderabad.

2 The Estate officer, Rythu Bazar, Mehidipatnam,

Hyderabad.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT).

4 Two C.D. Copies.